

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CARL T. BURTON
(aka Carl T. Stewart Jr.),

Plaintiff,

v.

DAVID A. VARANO, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:

Civil No. 1:13-cv-2518

Judge Sylvia H. Rambo

MEMORANDUM

Before the court is a motion for reconsideration/objections to the report and recommendation filed by Plaintiff, Carl T. Burton, aka Carl T. Stewart, on October 3, 2016. (Doc. 203.) On July 14, 2016, a report and recommendation was filed by the magistrate judge in which she recommended that summary judgment be granted in favor of the remaining defendants on Stewart's Eight Amendment medical claims.¹ (Doc. 196.) The report and recommendation advised the parties that they had fourteen days to file objections. The objections were due on August 1, 2016. On August 1, 2016, the clerk of court received a letter from Stewart, postmarked July 29, 2016, requesting an extension of time to file objections. In that letter, he indicated that the additional time was necessary because he "and defendants' counsel have been trying to settle this without . . . further court intervention." (Doc. 197.) He also indicated that he needed time to obtain legal

¹ Sometime around May 2016, Stewart was released from prison. At some point between May 2016 and July 6, 2016, he furnished his current address.

documents to file objections. In an order dated August 3, 2016 (Doc. 198), Stewart was granted an extension of time to August 12, 2016 to file objections. On August 29, 2016, Stewart filed a motion for another extension of time alleging inability to obtain records. (Doc. 199.) That request was denied, the court noting that Stewart had enough records to respond to the summary judgment motions. (Doc. 200.)

The instant motion, which will be deemed to be objections to the report and recommendation, claims that the magistrate judge's findings and recommendations are in error. As noted previously by this court, the magistrate judge very thoroughly cited and applied the facts of this case to the law applicable to a claim under the Eight Amendment alleging deprivation of adequate medical treatment. (Docs. 201 & 202.) The magistrate judge had extensive, uncontroverted medical records and a sworn declaration of Defendant Daya, and found that Stewart failed to allege a cause of action under the Eight Amendment. (*Id.*)

There are no medical records that Stewart can produce that have not already been produced that would controvert the findings of the magistrate judge.

The motion will be denied.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: October 12, 2016